

## **EXHIBIT A**

**CIVIL DOCKET**

12036

Richard E. Soape, Jr. vs. Jaswant Singh, Penske Leasing, And Canada, Inc

Injury or Damage - Motor Vehicle **Filed:** 04/19/2016

**Attorneys:** Bennie D. Rush; Mark A. Scudder

Docket Entry	Date

62ND DISTRICT COURT  
**CASE SUMMARY**  
CASE NO. 12036

Richard E. Soape, Jr. vs. Jaswant Singh, Penske Leasing,  
And Canada, Inc

§  
§  
§  
§

Location: 62nd District Court  
Judicial Officer: Biard, Will  
Filed on: 04/19/2016






CASE INFORMATION

Case Type: Injury or Damage - Motor  
Vehicle



DATE	CASE ASSIGNMENT
	<b>Current Case Assignment</b>
	Case Number 12036
	Court 62nd District Court
	Date Assigned 04/19/2016
	Judicial Officer Biard, Will

PARTY INFORMATION

Plaintiff	Soape, Jr., Richard E	<i>Lead Attorneys</i> Rush, Bennie D. <i>Retained</i> 936-295-0700(W)
Defendant	Canada, Inc Penske Leasing  Singh, Jaswant	Scudder, Mark A. <i>Retained</i> 214-651-4300(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
04/19/2016	 Original Petition (OCA) <i>Plaintiff's Original Petition</i>	
04/19/2016	 Civil Case Information Sheet	
04/20/2016	 Citation <i>Issued to Jaswant Singh (emailed to Bennie Rush along w/file-marked petition)</i>	
04/20/2016	<b>Service Detail - Citation</b> Singh, Jaswant Unserved	
04/20/2016	 Citation <i>Issued to Penske Leasing (emailed to Bennie Rush along w/file-marked petition)</i>	
04/20/2016	<b>Service Detail - Citation</b> Penske Leasing Served: 05/06/2016	
04/20/2016	 Citation <i>Issued to Canada, Inc. (emailed to Bennie Rush along w/file-marked petition)</i>	

62ND DISTRICT COURT  
**CASE SUMMARY**  
CASE NO. 12036

04/20/2016	Service Detail - Citation Canada, Inc Unserved
05/11/2016	 Citation Return <i>served Penske Leasing</i>
05/27/2016	 Answer <i>Defendant Penske Truck Leasing Co. L.P.'s Original Answer To Plaintiffs' First Original Petition</i>

DATE	FINANCIAL INFORMATION	
	Plaintiff Soape, Jr., Richard E	
	Total Charges	329.00
	Total Payments and Credits	329.00
	Balance Due as of 5/31/2016	0.00

Filed: 5/11/2016 2:37:58 PM  
Ellen Jaggers,  
District Clerk  
Franklin County, Texas  
By: LuAlice Weilbacher

*Return*

CITATION

ELLEN JAGGERS  
CLERK OF THE COURT  
P.O. BOX 750 - 200 N Kaufman  
MT VERNON TEXAS 75457

ATTORNEY FOR PETITIONER  
Bennie D. Rush  
1300 11th Street Suite 300  
Huntsville TX 77340

NOTICE TO RESPONDENT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation, a default judgment may be taken against you."

TO: Penske Leasing, by serving its Registered Agent for service, Corporation Service Company dba CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218, or wherever they may be found

In the hereinafter styled and numbered cause: 12036

You are hereby commanded to appear before the 62nd Judicial District Court of Franklin County, Texas, to be held at the Franklin County Courthouse, located at 200 N. Kaufman, of said County in the City of Mt. Vernon, Texas, by filing a written answer to the PLAINTIFF'S FIRST ORIGINAL PETITION on or before 10 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation. In the cause number, 12036

STYLED:

Richard E. Soaps, Jr. vs. Jaswant Singh, Penske Leasing, And Canada, Inc

FILED IN SAID COURT on the 19th day of April, 2016.

ISSUED AND GIVEN UNDER MY HAND AND SEAL on this the 20th day of April, 2016.

ATTEST: ELLEN JAGGERS

FRANKLIN COUNTY, MT VERNON, TEXAS

BY: *LuAlice Weilbacher*

OFFICER'S RETURN

Came to hand on the \_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_\_ m. Executed at \_\_\_\_\_ within the County \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. On the \_\_\_\_ day of \_\_\_\_\_, 2016, by delivering to the within named \_\_\_\_\_ in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and indorsed on such copy of citation the date of delivery. "Not executed, the diligence used to execute being \_\_\_\_\_ for the following reasons: \_\_\_\_\_"

LAW OFFICES OF BENNIE D. RUSH  
1300 11TH STREET, SUITE 300  
HUNTSVILLE TX 77340

4. Restricted Delivery? ☐ Yes

3. Service Type

(Extra Fee) ☐ Yes

CERTIFIED

2. Article Number

7104 9940 7320 0000 4059

County

RECEIPT

7104 9940 7320 0000 4059

FROM:

Law Offices of Bennie D. Rush  
RE: Soaps Citation  
Soaps Citation

SEND TO:

Penske Leasing  
c/o its registered agent  
Corporation Service Company o.  
211 E. 7th Street, Suite 620  
Austin TX 78701

FEES:

Postage 0.70  
Certified Fee 3.45  
Return Receipt 2.00  
Restricted

TOTAL \$ 6.95

POSTMARK OR DATE

5.4.16  
SK

A. Signature: (Addressed or Agent) <i>X</i> <i>SA Vernon</i>	
B. Received By: (Please Print Clearly) SA Vernon	
C. Date of Delivery MAY 06 2016	
D. Addressee's Address (Additional Home Address Used by Sender) Residential Address 1 Suite 1 Apt. 1 Pico (Please Print Clearly) Delivery Address	
City	State ZIP + 4 Code

1. Article Addressed To: PENSKE LEASING C/O ITS REGISTERED AGENT CORPORATION SERVICE COMPANY O. 211 E. 7TH STREET, SUITE 620 AUSTIN TX 78701	
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CITATION

ELLEN JAGGERS  
CLERK OF THE COURT  
P.O. BOX 750 -200 N. Kaufman  
MT VERNON TEXAS 75457

ATTORNEY FOR PETITIONER  
Bennie D. Rush  
1300 11th Street Suite 300  
Huntsville TX 77340

NOTICE TO RESPONDENT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation, a default judgment may be taken against you."

**TO: Canada, Inc., 389 Rue Monet, Quebec, Canada GOA1LO, or wherever it may be found**

In the hereinafter styled and numbered cause: 12036

You are hereby commanded to appear before the 62<sup>ND</sup> Judicial District Court of Franklin County, Texas, to be held at the Franklin County Courthouse, located at 200 N. Kaufman, of said County in the City of Mt. Vernon, Texas, by filing a written answer to the **PLAINTIFF'S FIRST ORIGINAL PETITION** on or before 10 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in the cause number, 12036

STYLED:

**Richard E. Soape, Jr. vs. Jaswant Singh, Penske Leasing, And Canada, Inc**

FILED IN SAID COURT on the 19th day of April, 2016.

ISSUED AND GIVEN UNDER MY HAND AND SEAL on this the 20th day of April, 2016.

ATTEST: ELLEN JAGGERS  
FRANKLIN COUNTY, MT. VERNON, TEXAS

BY  DEPUTY

OFFICER'S RETURN

Came to hand on the \_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_ o'clock \_\_\_\_ m. \*\*Executed at \_\_\_\_\_, within the County \_\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ m. On the \_\_\_\_ day of \_\_\_\_\_, 2016, by delivering to the within named \_\_\_\_\_ in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and indorsed on such copy of citation the date of delivery. \*\*Not executed, the diligence used to execute being \_\_\_\_\_: for the following reasons \_\_\_\_\_

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

SERVICE FEES \_\_\_\_\_

Sheriff/Constable \_\_\_\_\_ County

CITATION

ELLEN JAGGERS  
CLERK OF THE COURT  
P.O. BOX 750 -200 N. Kaufman  
MT VERNON TEXAS 75457

ATTORNEY FOR PETITIONER  
Bennie D. Rush  
1300 11th Street Suite 300  
Huntsville TX 77340

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**TO: Jaswant Singh, 5027 Rue Athena Pierrefonds, Quebec, Canada GOA1LO,  
or wherever he may be found**

In the hereinafter styled and numbered cause: 12036

You are hereby commanded to appear before the 62<sup>ND</sup> Judicial District Court of Franklin County, Texas, to be held at the Franklin County Courthouse, located at 200 N. Kaufman, of said County in the City of Mt. Vernon, Texas, by filing a written answer to the **PLAINTIFF'S FIRST ORIGINAL PETITION** on or before 10 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in the cause number, 12036

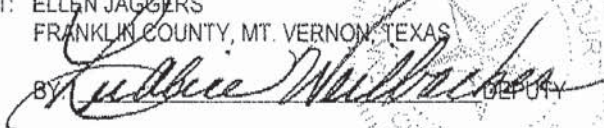
STYLED:

**Richard E. Soape, Jr. vs. Jaswant Singh, Penske Leasing, And Canada, Inc**

FILED IN SAID COURT on the 19th day of April, 2016.

ISSUED AND GIVEN UNDER MY HAND AND SEAL on this the 20th day of April, 2016.

ATTEST: ELLEN JAGGERS  
FRANKLIN COUNTY, MT. VERNON, TEXAS

BY  DEPUTY

OFFICER'S RETURN

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\_\_\_\_\_, within the County \_\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ m. On the \_\_\_\_ day of  
\_\_\_\_\_, 2016, by delivering to the within named \_\_\_\_\_ in person, a true copy  
of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to  
such copy of citation and indorsed on such copy of citation the date of delivery. \*\*Not executed, the diligence used to  
execute being \_\_\_\_\_: for the following reasons  
\_\_\_\_\_.

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

SERVICE FEES \_\_\_\_\_

Sheriff/Constable \_\_\_\_\_  
County \_\_\_\_\_

12036

Franklin County - 62nd District Court

Filed: 4/19/2016 2:59:28 PM  
Ellen Jagers,  
District Clerk  
Franklin County, Texas  
By: LuAlice Weilbacher

CAUSE NO. \_\_\_\_\_

RICHARD E. SOAPE, JR.	§	IN THE DISTRICT COURT OF
	§	
PLAINTIFF,	§	
	§	
VS.	§	FRANKLIN COUNTY, TEXAS
	§	
JASWANT SINGH, PENSKE LEASING	§	
AND CANADA, INC.	§	
	§	
DEFENDANTS,	§	____TH JUDICIAL DISTRICT

**PLAINTIFF'S FIRST ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, RICHARD E. SOAPE, JR, hereinafter sometimes referred to as "PLAINTIFF," complaining of JASWANT SINGH, PENSKE LEASING AND CANADA, INC. hereinafter sometimes collectively referred to as "DEFENDANTS," and for cause of action would respectfully show the Court and Jury the following:

I.

Plaintiff, **RICHARD E. SOAPE, JR**, is an individual and a resident citizen of Walker County, Texas. Pursuant to Rule 30.014, *Texas Rules of Civil Procedure*, Plaintiff's partial identification information is XXXXX580 (last three numbers of driver's license number) and XXX-XX-X631(last three numbers of social security number). Pursuant to Rule 30.015, *Texas Rules of Civil Procedure*, Plaintiff's current residence address is 3366 SH 19 Lot 60, Huntsville, Texas 77320

Defendant, **JASWANT SINGH**, is a natural person and a resident citizen of Quebec Canada Texas, and may be served with process at his residence, 5027 Rue

**PLAINTIFF'S ORIGINAL PETITION**  
**PAGE 1**



Athena Pierrefonds, Quebec, Canada according to the rules of the Hague Convention, or wherever he can be found.

Defendant, **PENSKE LEASING**, is an company authorized to do business in the State of Texas, and can be served by process by serving its registered agent for service, Corporation Service Company dba CSC-Lawyers Incorporating Service Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218 , or wherever they can be found.

Defendant, **CANADA INC.** is a foreign company doing business in Texas and and may be served with process at its place of business, 389 Rue Monet, Quebec, Canada according to the rules of the Hague Convention or wherever it may be found

II.

Venue is proper in Franklin County, Texas, pursuant to § 15.002, *Civil Practice & Remedies Code*, in that the cause of action, or a part thereof, arose in Franklin County, Texas.

III.

Pursuant to the provisions of Rule 190.1, *Texas Rules of Civil Procedure*, this suit is filed as a Level 2 suit, and the scope of discovery conducted in this cause shall be governed pursuant to the provisions of Rule 190.3, *Texas Rules of Civil Procedure*.

IV.

It has become necessary to bring this civil action to collect a legal debt and damages due and owing to **PLAINTIFF** by reason of an incident which occurred on or

about February 17, 2015 in Franklin County, Texas, in which **PLAINTIFF'S** body was severely injured.

**DEFENDANT JASWANT SINGH**, while operating a vehicle was negligent in various acts and omissions, including the following, which negligence was a proximate cause of the occurrence in question:

- (a) in failing to keep such a lookout as would have been kept by a person exercising ordinary care and prudence under the same or similar circumstances;
- (b) in traveling at a faster rate of speed than a person exercising ordinary care and prudence would have traveled under the same or similar circumstances;
- (c) in failing to make a timely and proper application of the brakes as would have been made by a person exercising ordinary care and prudence under the same or similar circumstances;
- (d) in failing to make such turning movements of the vehicle in question as would have been made by a person exercising ordinary care and prudence under the same or similar circumstances;
- (e) in failing to comply with Sec. 545.062 and Sec. 545.351 of the Texas Transportation Code.

Further, nothing **PLAINTIFF** did or failed to do caused or contributed to cause the occurrence made the basis of this suit. To the contrary, the occurrence was proximately caused by the negligence, as that term is understood in law, of **DEFENDANT**.

V.

**PLAINTIFF** would show that as a result of the negligence of **DEFENDANT**, the vehicle owned and operated by **PLAINTIFF** was struck by the vehicle owned by **DEFENDANTS PENSKE LEASING AND CANADA, INC.** and operated by

**DEFENDANT JASWANT SINGH**, causing serious and permanent injuries to **PLAINTIFF'S** body. Each of such acts and omissions, singularly or in combination with others, constituted negligence that proximately caused serious and permanent injuries to his body.

**PLAINTIFF** has sustained much physical pain and mental anguish in the past, and will in all reasonable probability, continue to suffer the same in the future; he has sustained physical impairment in the past and will in all reasonable probability, sustain the same in the future; he has sustained disfigurement in the past and will in all reasonable probability, sustain the same in the future. **PLAINTIFF**, as a result of his injuries, has suffered a loss of wage earning capacity in the past, and in all probability, will sustain a loss of wage earning capacity in the future. **PLAINTIFF** has sustained medical expenses in the past and will, in all reasonable probability, continue to sustain reasonable and necessary medical expenses in the future.

VI.

**PLAINTIFF** would additionally say and show that **DEFENDANTS PENSKE LEASING AND CANADA, INC** were negligent in entrusting the vehicle in question to **DEFENDANT JASWANT SINGH**, who was a reckless or incompetent driver, and **DEFENDANTS PENSKE LEASING AND CANADA, INC** knew or should have known that **DEFENDANT JASWANT SINGH** was a reckless and incompetent driver, and such negligence was a proximate cause of the occurrence in question. .

VII.



**PLAINTIFF** would additionally say and show that he is entitled to recovery of pre-judgment interest in accordance with law and equity as part of his damages herein and **PLAINTIFF** here and now sues specifically for recovery of pre-judgment interest from the date of the occurrence made the basis of this suit until the date of the judgment herein as provided by law and equity, under the applicable provisions of the laws of the State of Texas.

VIII.

If it is the Defendants' contention that Plaintiff's medical bills are limited to those only paid and/or incurred by him or his insurance company, including Plaintiff's deductible and co-payments, then Plaintiff hereby seeks recovery for the premiums that he has paid for such insurance coverage since the Defendant has deprived him of the benefits of that insurance coverage without fair, due and just compensation. Additionally, Plaintiff would show that Tex. Civ. Prac. & Rem. Code § 41.0105 is an unconstitutional taking of Plaintiff's property and violates Plaintiff's due process rights under the Texas Constitution.

IX.

**PLAINTIFF** would show this Honorable Court and Jury that his damages at the time of filing this Petition are over \$100, 000 but not more than \$200,000 and expressly reserves the right to amend this Petition concerning his damages in the future.

WHEREFORE, PREMISES CONSIDERED, **PLAINTIFF** prays that the **DEFENDANTS** be cited to appear and answer herein, and that upon final trial hereof **PLAINTIFF** have judgment against the **DEFENDANTS** in a sum more than



\$100,000.00, plus interest thereon at the legal rate, pre-judgment interest, costs of court expended in his behalf, and for such other and further relief, at law and in equity, both general and special, to which **PLAINTIFF** may show himself justly entitled.

(Signature page follows)

PC

Respectfully submitted,

LAW OFFICES OF BENNIE D. RUSH,

*/s/ Bennie D. Rush*

---

Bennie D. Rush  
State Bar No. 17400425  
1300 11th Street, Suite 300  
Huntsville, Texas 77340  
936/295-0700 Telephone  
936/295-3330 Facsimile  
ATTORNEY FOR PLAINTIFF  
[bennie@bdrushlaw.com](mailto:bennie@bdrushlaw.com)

Filed: 5/27/2016 2:53:42 PM  
Ellen Jagers,  
District Clerk  
Franklin County, Texas  
By: LuAlice Weilbacher

**CAUSE NO. 12036**

**RICHARD E. SOAPE, JR.,**

**PLAINTIFF,**

**vs.**

**JASWANT SINGH, PENSKE LEASING  
AND CANADA INC.**

**DEFENDANTS.**

§  
§  
§  
§  
§  
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§  
§  
§  
§

**IN THE DISTRICT COURT OF**

**FRANKLIN COUNTY, TEXAS**

**62ND JUDICIAL DISTRICT**

**DEFENDANT PENSKE TRUCK LEASING CO., L.P.'S ORIGINAL ANSWER  
TO PLAINTIFFS' FIRST ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Penske Truck Leasing Co., L.P., incorrectly sued as Penske Leasing ("Defendant"), one of the Defendants in the above-entitled and numbered Cause, and in response to Plaintiff's First Original Petition on file herein, files this its Original Answer, and would respectfully show the Court as follows:

**I.**

**GENERAL DENIAL**

Subject to such stipulations and admissions as may be made hereafter, Defendant hereby enters a general denial as is permitted by Rule 92 of the Texas Rules of Civil Procedure, and requests that Plaintiff be required to prove by a preponderance of the evidence the charges and allegations which he has made against Defendant.

## **AFFIRMATIVE DEFENSES**

### **II.**

Pleading further, alternatively, and by way of affirmative defense, the incident in question and Plaintiff's alleged resulting damages, if any, were the result of negligent acts and/or omissions of others not under the control of Defendant, including Plaintiff, whose acts or omissions were, alternatively, a proximate cause or a contributing proximate cause or the sole proximate cause of the incident in question and any alleged damages resulting therefrom. Defendant, therefore, invokes the doctrine of comparative causation and proportionate responsibility as set forth in Chapter 33 of the Texas Civil Practice or Remedies Code.

### **III.**

Further answering, alternatively, and by way of affirmative defense, in the unlikely event that any liability be found on the part of Defendant, such liability be reduced by the percentage of causation found to have resulted from the negligence of others, including Plaintiff.

### **IV.**

Further answering, alternatively, and by way of affirmative defense, Plaintiff's medical expenses are limited to those actually paid or incurred on behalf of Plaintiff pursuant to Texas Civil Practice & Remedies Code § 41.0105.

### **V.**

Further answering, alternatively, and by way of affirmative defense, the incident in question and Plaintiff's alleged resulting injuries or damages, if any, were the result of an intervening, superseding, or new and independent cause.

**VI.**

Pleading further, alternatively, and by way of affirmative defense, the injuries and damages complained of by Plaintiff herein are the result, in whole or in part, of pre-existing conditions, injuries, diseases, disabilities, events and factors, and not the result of any act or omission on the part of Defendant or the incident in question.

**VII.**

Pleading further, alternatively, and by way of affirmative defense, the injuries and damages complained of by Plaintiff herein are the result, in whole or in part, of Plaintiff's failure to mitigate his damages.

WHEREFORE, PREMISES CONSIDERED, Defendant Penske Truck Leasing Co., L.P., incorrectly sued as Penske Leasing, prays that Plaintiff take nothing by his suit, that Defendant recovers its costs expended on its behalf, and for such other and further relief to which Defendant may be justly entitled.



Respectfully submitted,

s/Mark S. Scudder

MARK S. SCUDDER  
STATE BAR NO. 17936300  
ALEX MCLEAN  
STATE BAR NO. 24098082  
STRASBURGER & PRICE, LLP  
901 MAIN STREET, SUITE 4400  
DALLAS, TX 75202-3794  
(214) 651-4300  
(214) 651-4330 Fax  
[mark.scudder@strasburger.com](mailto:mark.scudder@strasburger.com)  
[alex.mclean@strasburger.com](mailto:alex.mclean@strasburger.com)

ATTORNEYS FOR DEFENDANT  
PENSKE TRUCK LEASING CO., L.P.  
INCORRECTLY SUED AS PENSKE  
LEASING

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that on the 27<sup>th</sup> day of May 2016, a true and correct copy of the foregoing was electronically filed with the Court in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure.

s/Mark S. Scudder

Mark S. Scudder

Filed: 6/2/2016 3:59:07 PM  
Ellen Jagers,  
District Clerk  
Franklin County, Texas  
By: LuAlice Weilbacher

CAUSE NO. 12036

RICHARD E. SOAPE, JR.	§	IN THE DISTRICT COURT OF
	§	
PLAINTIFF,	§	
	§	
VS.	§	FRANKLIN COUNTY, TEXAS
	§	
JASWANT SINGH, PENSKE LEASING	§	
AND CANADA, INC.	§	
	§	
DEFENDANTS,	§	62 <sup>nd</sup> JUDICIAL DISTRICT

**PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, RICHARD E. SOAPE, JR, hereinafter sometimes referred to as "**PLAINTIFF**," complaining of JASWANT SINGH, PENSKE TRUCK LEASING CO., L.P. AND CANADA, INC. (incorrectly identified as PENSKE LEASING through a misnomer of pleadings pursuant to Rule 71, *Texas Rules of Civil Procedure*), hereinafter sometimes collectively referred to as "**DEFENDANTS**," and for cause of action would respectfully show the Court and Jury the following:

I.

Plaintiff, **RICHARD E. SOAPE, JR**, is an individual and a resident citizen of Walker County, Texas. Pursuant to Rule 30.014, *Texas Rules of Civil Procedure*, Plaintiff's partial identification information is XXXXX580 (last three numbers of driver's license number) and XXX-XX-X631(last three numbers of social security number). Pursuant to Rule 30.015, *Texas Rules of Civil Procedure*, Plaintiff's current residence address is 3366 SH 19 Lot 60, Huntsville, Texas 77320

Defendant, **JASWANT SINGH**, is a natural person and a resident citizen of Quebec Canada Texas, and may be served with process at his residence, 5027 Rue Athena Pierrefonds, Quebec, Canada according to the rules of the Hague Convention, or wherever he can be found.

Defendant, **PENSKE TRUCK LEASING CO., L.P.**, is a company authorized to do business in the State of Texas, and has filed an appearance herein.

Defendant, **CANADA INC.** is a foreign company doing business in Texas and and may be served with process at its place of business, 389 Rue Monet, Quebec, Canada according to the rules of the Hague Convention or wherever it may be found

II.

Venue is proper in Franklin County, Texas, pursuant to § 15.002, *Civil Practice & Remedies Code*, in that the cause of action, or a part thereof, arose in Franklin County, Texas.

III.

Pursuant to the provisions of Rule 190.1, *Texas Rules of Civil Procedure*, this suit is filed as a Level 2 suit, and the scope of discovery conducted in this cause shall be governed pursuant to the provisions of Rule 190.3, *Texas Rules of Civil Procedure*.

IV.

It has become necessary to bring this civil action to collect a legal debt and damages due and owing to **PLAINTIFF** by reason of an incident which occurred on or about February 17, 2015 in Franklin County, Texas, in which **PLAINTIFF'S** body was severely injured.



**DEFENDANT** JASWANT SINGH, while operating a vehicle was negligent in various acts and omissions, including the following, which negligence was a proximate cause of the occurrence in question:

- (a) in failing to keep such a lookout as would have been kept by a person exercising ordinary care and prudence under the same or similar circumstances;
- (b) in traveling at a faster rate of speed than a person exercising ordinary care and prudence would have traveled under the same or similar circumstances;
- (c) in failing to make a timely and proper application of the brakes as would have been made by a person exercising ordinary care and prudence under the same or similar circumstances;
- (d) in failing to make such turning movements of the vehicle in question as would have been made by a person exercising ordinary care and prudence under the same or similar circumstances;
- (e) in failing to comply with Sec. 545.062 and Sec. 545.351 of the Texas Transportation Code.

Further, nothing **PLAINTIFF** did or failed to do caused or contributed to cause the occurrence made the basis of this suit. To the contrary, the occurrence was proximately caused by the negligence, as that term is understood in law, of **DEFENDANT**.

V.

**PLAINTIFF** would show that as a result of the negligence of **DEFENDANT**, the vehicle owned and operated by **PLAINTIFF** was struck by the vehicle owned by **DEFENDANTS** PENSKE TRUCK LEASING CO., L.P., AND CANADA, INC. and operated by **DEFENDANT** JASWANT SINGH, causing serious and permanent injuries to **PLAINTIFF'S** body. Each of such acts and omissions, singularly or in combination



with others, constituted negligence that proximately caused serious and permanent injuries to his body.

**PLAINTIFF** has sustained much physical pain and mental anguish in the past, and will in all reasonable probability, continue to suffer the same in the future; he has sustained physical impairment in the past and will in all reasonable probability, sustain the same in the future; he has sustained disfigurement in the past and will in all reasonable probability, sustain the same in the future. **PLAINTIFF**, as a result of his injuries, has suffered a loss of wage earning capacity in the past, and in all probability, will sustain a loss of wage earning capacity in the future. **PLAINTIFF** has sustained medical expenses in the past and will, in all reasonable probability, continue to sustain reasonable and necessary medical expenses in the future.

VI.

**PLAINTIFF** would additionally say and show that **DEFENDANTS** PENSKE TRUCK LEASING CO., L.P., AND CANADA, INC were negligent in entrusting the vehicle in question to **DEFENDANT** JASWANT SINGH, who was a reckless or incompetent driver, and **DEFENDANTS** PENSKE TRUCK LEASING CO., L.P., AND CANADA, INC knew or should have known that **DEFENDANT** JASWANT SINGH was a reckless and incompetent driver, and such negligence was a proximate cause of the occurrence in question. .

VII.

**PLAINTIFF** would additionally say and show that he is entitled to recovery of pre-judgment interest in accordance with law and equity as part of his damages herein

and **PLAINTIFF** here and now sues specifically for recovery of pre-judgment interest from the date of the occurrence made the basis of this suit until the date of the judgment herein as provided by law and equity, under the applicable provisions of the laws of the State of Texas.

VIII.

If it is the Defendants' contention that Plaintiff's medical bills are limited to those only paid and/or incurred by him or his insurance company, including Plaintiff's deductible and co-payments, then Plaintiff hereby seeks recovery for the premiums that he has paid for such insurance coverage since the Defendant has deprived him of the benefits of that insurance coverage without fair, due and just compensation. Additionally, Plaintiff would show that Tex. Civ. Prac. & Rem. Code § 41.0105 is an unconstitutional taking of Plaintiff's property and violates Plaintiff's due process rights under the Texas Constitution.

IX.

**PLAINTIFF** would show this Honorable Court and Jury that his damages at the time of filing this Petition are over \$100, 000 but not more than \$200,000 and expressly reserves the right to amend this Petition concerning his damages in the future.

WHEREFORE, PREMISES CONSIDERED, **PLAINTIFF** prays that the **DEFENDANTS** be cited to appear and answer herein, and that upon final trial hereof **PLAINTIFF** have judgment against the **DEFENDANTS** in a sum more than \$100,000.00, plus interest thereon at the legal rate, pre-judgment interest, costs of court

expended in his behalf, and for such other and further relief, at law and in equity, both general and special, to which **PLAINTIFF** may show himself justly entitled.

(Signature page follows)

Respectfully submitted,

**LAW OFFICES OF BENNIE D. RUSH, PC**

*/s/ Bennie D. Rush*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of June, 2016, a true and correct copy of the above and foregoing was provided to all counsel of record either by certified mail, postage prepaid, return receipt requested; and/or by Federal Express; and/or by facsimile transmission; and/or by hand delivery, in accordance with the Texas Rules of Civil Procedure, as follows:

Mark Scudder  
Alex McLean  
901 Main Street, Suite 4400  
Dallas, Texas 75202  
Facsimile: 214-651-4330

*/s/ Bennie D. Rush*

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BENNIE D. RUSH